

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09-cr-17**

UNITED STATES OF AMERICA	)	
	)	
	)	<b><u>ORDER</u></b>
vs.	)	
	)	
ALBERT CHARLES BURGESS	)	
	)	
_____	)	

**THIS MATTER** is before the Court on Defendant’s “Motion to Set Aside Conviction—Conflict of Interest by Stand-By and Trial Counsel” (Doc. No. 250), filed on October 1, 2014. Defendant’s motion appears to be a duplicative § 2255 petition in that it asserts the same baseless allegations raised in his parallel § 2255 case (3:12-cv-375). The Court dismissed Defendant’s § 2255 petition by written order on February 26, 2015. (*See* Doc. No. 266). Thus, because Defendant’s motion is procedurally improper, and for the additional substantive reasons stated in the Court’s order (Doc. No. 266), Defendant’s motion is **DENIED**.

The Clerk of Court is directed to send a copy of this order to Defendant.

**SO ORDERED.**

Signed: February 27, 2015



Graham C. Mullen  
United States District Judge

